



<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/648,508	
	Filing Date	August 25, 2003	
	First Named Inventor	Brzozowski, Frank T.	
	Art Unit	2873	
	Examiner Name	Huy K. Mai	
Total Number of Pages in This Submission	4	Attorney Docket Number	

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Wenger Law Offices		
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Date	December 10, 2004	Reg. No.	42,218

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IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frank Brzozowski

Serial No.: 10/648,508

Filed: August 25, 2003

For: Configurable Eyewear

Group Art Unit: 2873

Examiner: Huy Kim Mai

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Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement set forth in the Office Action mailed on November 10, 2004, Applicant elects claims 19-38, 43, 44 for examination without prejudice.

RESPONSE TO ELECTION REQUIREMENT

In response to the election requirement set forth in the Office Action mailed on November 10, 2004, Applicant elects claims 30-33, 37, and 38 for examination without prejudice, and with traverse. Claims 19, 25-29, 34, and 44 are generic to the elected claims.

Applicant submits that two distinct species between claims 20-24, 35, 36, and 43 and claims 30-33, 37, and 38 does not exist. As seen in the specification and the drawings, including, but not limited to, Figures 1-3, 12-16, 21-30, and 27-28, embodiments including a memory member (indicated by reference number 128) also can include: 1) a

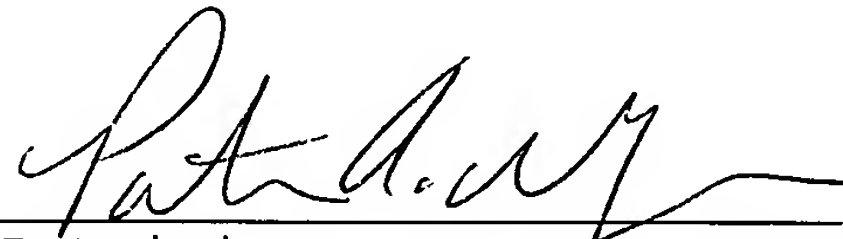
turning member (indicated by reference number 90a); 2) a peripheral edge (indicated by reference number 98); a peripheral area (indicated by reference number 92); a containment stop member (indicated by reference number 94); and a rotator (indicated by reference number 90.) Accordingly, claims 20-22, 24 and 35 are generic claims.

Applicant further submits that claims 20-24, 30-33, 35-38, and 43 are generic or related, and that it would not be a serious burden on the Examiner if the election were not required. Specifically, Applicant submits that the related claims are not separately classified, do not have a separate status in the art, and do not require a different field of search.

Accordingly, requiring Applicant to elect between claims 20-24, 35, 36, and 43, and claims 30-33, 37, and 38 is improper. If the Examiner has any questions, Examiner is requested to contact the Applicant's attorney.

Date: 12/10/04

Respectfully Submitted,



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